

REMARKS/ARGUMENTS

The above amendments to the claims restrict the claims to blown films. These amendments are fully supported by the specification as originally filed, for example at page 1 lines 6-7. As the amendments do not add new matter, their entry appears proper.

Claims 1-6, 8, 9, 11-14, 17, 18, and 20-22 are currently pending in the application.

Claim Rejections – 35 USC § 112

Claim 14 stands rejected under 35 USC § 112, first paragraph as failing to comply with the written description requirement. According to the Examiner, the claim “contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s) at the time the application was filed, had possession of the invention.” Specifically claim 14 recites that the polyolefin has no crosslinking. However, contrary to the Examiner’s assertion, this claim was always present. Originally, however, the claim recited “substantially no crosslinking”. The Examiner objected to the word “substantially” on clarity grounds and so it was removed. Thus this recitation was not a new limitation inserted into the claims, but rather a clarification of what was always present. As such, Applicants respectfully request that this rejection be withdrawn,

Claim Rejections – 35 USC § 103

Claims 1-6, 8, 9, 11-14, 17, 18, and 20-22 stand rejected under 35 USC § 103(a) as being unpatentable over DeVaudreuil (US 6,114,025) in view of Heider (US 4,360,556). DeVaudreuil does not relate to the thin blown films step recited in the claims. Specifically, the present claims recite blown films having a thickness of 3 to 8 mils thick. The Examiner pointed to Col 7, lines 4-8 of DeVaudreuil for support that the range of thickness is “clearly overlapping”. However the passage cited by the Examiner recites that the thickness is from 0.5 mm to 13 mm, although thicker cross-sections are contemplated. This range equates to about 20-512 mils. Thus the lower end of DeVaudreuil’s range is more than twice as big as the upper limit of the range currently recited in the claims. This is clearly not overlapping, and so it is respectfully

submitted that the Examiner has failed to present a *prima facie* showing of obviousness in this regard.

The thickness is just one aspect which demonstrates that the foams of DeVaudreuil are a completely different article from the blown films being claimed in the present application. As previously pointed out, DeVaudreuil also specifies the use of physical blowing agents that are typically used to reduce density greater than 50% and in fact teaches that its foams will have a density in the range of from 10 kg/m³ to a maximum of about 150 kg/m³ (see col 6, lines 53-54). Given that the starting materials specified in DeVaudreuil have a density of about 920 kg/m³, this represents a density reduction of about 83-99%. As previously explained, materials with such a large density reduction will not have the tear strength recited in the present claims. These materials are primarily used as protective coverings and would not be suitable for many applications typically served by the blown film market such as consumer trash bags, grocery bags, etc. (See page 1, lines 7-10 of the present specification).

The Examiner has acknowledged that DeVaudreuil does not disclose the claimed range of density reduction, but states that it would have been obvious to combine the teachings of Heider (US 4,360,556) with DeVaudreuil to arrive at the claimed invention. First of all, it is respectfully submitted that as Heider teaches films having a thickness of 0.014 to 0.018 inches (i.e. 14-18 mils), any combination of these references would not achieve the claimed invention, as (at least) the claimed thickness would never be obtained.

Secondly, Applicants respectfully contest the Examiner's assertion that DeVaudreuil and Heider are analogous art. Heider relates to cast film used to carry cylindrical carriers such as those seen on beer or soda six-packs. The process and desired properties of the cast films taught in Heider are very different from the protective covering applications taught in DeVaudreuil, which in turn is very different from the blown film process and associated applications being taught in the present application. As these processes/intended end uses have different physical attributes, it is not appropriate to combine the teachings. As proof of this, it is respectfully pointed out that despite Heider publishing about 16 years before DeVaudreuil was filed, DeVaudreuil makes no mention of Heider. Indeed, as Heider was clearly prior art to DeVaudreuil, if these were considered to be analogous art, a person of ordinary skill

in this art might reasonably interpret DeVaudreuil's teaching of 83-99% density reduction as expressly teaching away from the 10-20% range which was previously known from Heider.

In order to emphasize the differences in these art areas, the applicants have amended the claims to recite that they are blown films. As Heider does not relate to blown films, it is respectfully submitted that this reference should no longer be considered as relevant art.

Claims 12 and 21 were also rejected under 35 USC §103(a) as being unpatentable over DeVaudreuil/Heider in light of Hughes et al (US 3,963,403). For the reasons given above with respect to DeVaudreuil and Heider above, it is respectfully requested that these rejections also be withdrawn.

Applicant sincerely thanks the Examiner for withdrawing the previous rejections based on 35 USC§ 112 as well as the rejections under 35 USC § 102/103 based on Nakamura et al (US4,649,001), Kelch (US 5,000,992), Chen et al (US 5,286,525) and/or Esneault et al. (WO 96/16122).

Accordingly, it is respectfully submitted that the claims as amended are patentable over all of the art cited by the Examiner. Withdrawal of the rejections and a Notice of Allowance is now courteously solicited.

Respectfully submitted,

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